

MINUTE ITEM

This Calendar Item No. C74 was approved as
Minute Item No. 74 by the California State Lands
Commission by a vote of 3 to 0 at its 06/26/06
meeting.

CALENDAR ITEM

C74

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06/26/06

PRC 7967.9

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D. Jones

J. Frey

D. Sanders

**APPROVAL OF TERMINATION OF GENERAL LEASE - RECREATIONAL,
PROTECTIVE STRUCTURE, AND DREDGING USE; AND APPROVAL OF A
GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE**

LESSEE:

Lighthouse Marina and Riverbend Development,
A California general partnership

APPLICANT:

West Riverview LLC
905 Lighthouse Drive
West Sacramento, California 95605

AREA, LAND TYPE, AND LOCATION:

Original Lease: 26.2 acres, more or less, of sovereign lands in the
Sacramento River, city of West Sacramento, Yolo County.

Proposed Lease: A parcel of filled and unfilled sovereign lands in the
Sacramento River, city of West Sacramento, Yolo County
approximately 4200 linear feet with varying widths from 10 to
150 feet.

AUTHORIZED USE:

Original Lease: The construction and maintenance of a greenway, a 11.5
foot wide public access path in connection with the
Sacramento River Greenway Plan, bank protection, habitat
restoration; and dredging.

Proposed Lease: The repair of existing bank stabilization and construction,
use and maintenance of new bank stabilization and habitat
enhancement project, including a pedestrian trail, which will

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have a minimum width of five feet; and the removal of 15 pilings in the bed of the Sacramento River.

LEASE TERM:

Original Lease: 25 years, beginning July 1, 1997

Proposed Lease: 25 years, beginning June 26, 2006

CONSIDERATION:

Original Lease: **Bank protection, habitat restoration and public access path:** The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

Buoys: \$50 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Proposed Lease: **Bank Protection, habitat restoration, and pedestrian trail:** The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS

Liability Insurance: \$1,000,000 combined single occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On March 27, 1990, the Commission approved Title Settlement Agreement No. 112 between the Commission and Lighthouse Marina and Riverbend Development (Lighthouse). The Agreement established a boundary line between State sovereign lands and the properties owned by Lighthouse. It also provided that the State and Lighthouse would enter into a revegetation agreement including a greenway on Tide and Submerged Lands Parcel One, a parcel of filled and unfilled tide and submerged land which extends the length of the property along the Sacramento River owned by Lighthouse.

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On July 1, 1997, the Commission approved a 25-year General Lease – Recreational, Protective Structure, and Dredging Use with Lighthouse. Its purpose was to fulfill the terms of the Settlement Agreement and provide a greenway that incorporated features of bank protection, habitat restoration, and an 11.5-foot wide public access path. Lighthouse never constructed the project because of financial difficulties. Authorization is sought to terminate the Lease because Lighthouse no longer owns the adjacent uplands, has ceased doing business and has, in effect, abandoned the Lease.

Lighthouse subsequently sold the property to Grupe Investors, LLC, and on September 29, 2003, Grupe quitclaimed its interest in the property to West Riverview, LLC. As successor in interest to Lighthouse, the Applicant, West Riverview, submitted an application to the Commission to fulfill the obligations of Title Settlement Agreement AD 112 with regard to the revegetation agreement for Tide and Submerged Lands Parcel One. The Applicant is proposing to repair 700 lineal feet of existing bank protection and construct approximately 3,000 lineal feet of new bank stabilization and habitat enhancement as well as a pedestrian trail within Tide and Submerged Lands Parcel One. The bank stabilization includes traditional quarry stone slope protection of the bank, with an additional planting area created waterward of the slope protection. The planting area will be created by construction of a longitudinal peak stone dike waterward of the slope. The area between the dike and slope will be backfilled with topsoil to form a bench that will be planted with riparian species. Existing large woody debris will be anchored in place within the River by the dike.

The pedestrian trail will be located on the lower bench and have a minimum width of five feet, unless the width of the lower bench prevents that width. The lease will contain provisions that require the Applicant to comply with federal and state guidelines for compliance with the Americans With Disabilities Act. Handicapped compatible access to the trail will be provided at the downstream end of the trail. The trail will also have pull-out areas, as necessary, to accommodate handicapped access and viewing of the River, and two staircases up the face of the levee to connect the trail to nearby public streets. The lease will provide that one of the staircases can be relocated if comparable access to the trail from the street can be obtained at another location.

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Fifteen pilings will be removed from the Sacramento River. The pilings were used by the River Galley and View Point Marina under leases authorized by the Commission and terminated many years ago.

3. An EIR was prepared and certified for this project by the City of West Sacramento. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the office of the State Lands Commission.

A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the State Lands Commission. There are four impacts identified within the Final Environmental Impact Report (FEIR) that remain significant after all feasible mitigation. These include:

- (a) Construction of the proposed project would generate the ozone precursors ROG and NOx
- (b) Cumulative development, including the proposed project, could result in the damage or destruction of previously unidentified prehistoric resources
- (c) The proposed project would create transportation noise that could affect new and existing sensitive receptors
- (d) The proposed project would influence cumulative noise levels in future years

All of these significant impacts are related to the residential housing project on the upland.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

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such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U. S. Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries.

APPROVALS REQUIRED:

California Department of Fish and Game, California Regional Water Quality Control Board, city of West Sacramento., the State Reclamation Board

EXHIBIT:

A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

November 27, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF WEST SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(H), ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

ADOPT THE MITIGATION MONITORING PROGRAM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

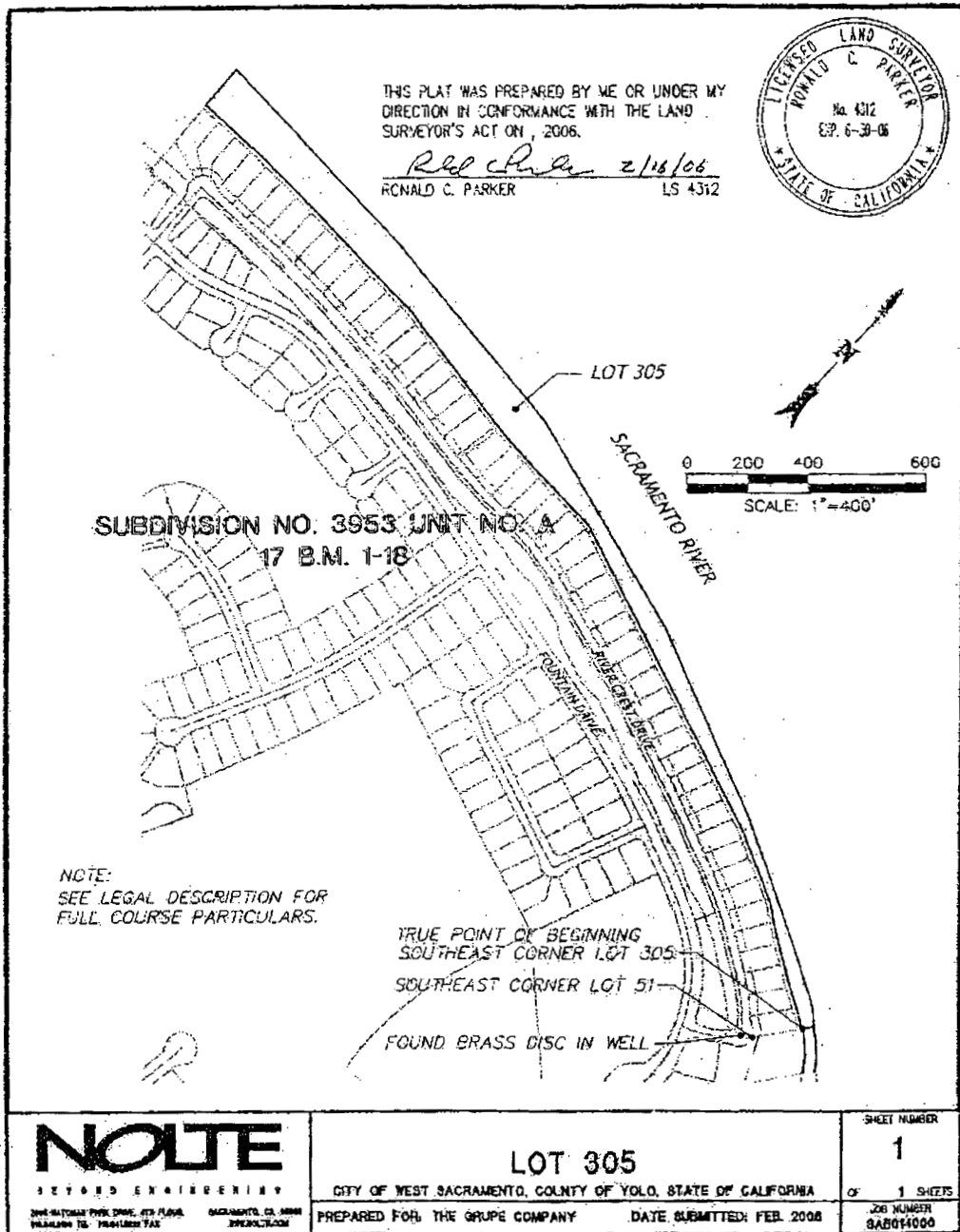
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SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE TERMINATION, EFFECTIVE JUNE 30, 2004, OF GENERAL LEASE – RECREATIONAL, PROTECTIVE STRUCTURE, AND DREDGING USE, PRC 7967.9, ISSUED TO LIGHTHOUSE MARINA AND RIVERBEND DEVELOPMENT (A CALIFORNIA GENERAL PARTNERSHIP) BECAUSE LIGHTHOUSE IS NO LONGER THE OWNER OF THE ADJACENT UPLANDS AND HAS ABANDONED THE LEASE.
2. AUTHORIZE ISSUANCE TO WEST RIVERVIEW, LLC, OF A GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING JUNE 26, 2006, FOR A TERM OF 25 YEARS, FOR THE REPAIR OF EXISTING BANK STABILIZATION AND THE CONSTRUCTION, USE AND MAINTENANCE OF NEW BANK PROTECTION AND A PEDESTRIAN TRAIL, AND THE REMOVAL OF 15 PILINGS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.



This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
WP 7967.9
WEST RIVERVIEW LLC

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DJ 6/15/06